

REGULAR MEETING

MAYOR AND BOARD OF TRUSTEES, VILLAGE OF BURR RIDGE, IL

July 26, 2010

CALL TO ORDER The Regular Meeting of the Mayor and Board of Trustees of July 26, 2010 was held in the Meeting Room of the Village Hall, 7660 County Line Road, Burr Ridge, Illinois and called to order at 7:00 p.m. by Mayor Grasso.

PLEDGE OF ALLEGIANCE was conducted by Will Duerr of Pleasantdale Elementary School.

ROLL CALL was taken by the Village Clerk and the results denoted the following present: Trustees Wott, Allen, Paveza, DeClouette, & Mayor Grasso. Absent were Trustees Grela and Sodikoff. Also present were Village Administrator Steve Stricker, Public Works Director Paul May, Police Chief John Madden, Community Development Director Doug Pollock, and Village Clerk Karen Thomas.

There being a quorum, the meeting was open to official business.

AUDIENCE There were none at this time.

CONSENT AGENDA – OMNIBUS VOTE After reading the Consent Agenda by Mayor Grasso, motion was made by Trustee Wott and seconded by Trustee DeClouette that the Consent Agenda – Omnibus Vote, (attached as Exhibit A), and the recommendations indicated for each respective item, be hereby approved.

On Roll Call, Vote Was:

AYES: 4 – Trustees Wott, DeClouette, Allen, Paveza

NAYS: 0 – None

ABSENT: 2 – Trustees Grela and Sodikoff

There being four affirmative votes, the motion carried.

APPROVAL OF REGULAR MEETING OF JULY 12, 2010 were approved for publication under the Consent Agenda by Omnibus Vote.

RECEIVE AND FILE (DRAFT) EVENTS PLANNING COMMITTEE MEETING OF JULY 13, 2010 were noted as received and filed under the Consent Agenda by Omnibus Vote.

RECEIVE AND FILE (DRAFT) VETERANS MEMORIAL COMMITTEE MEETING OF JULY 14, 2010 were noted as received and filed under the Consent Agenda by Omnibus Vote.



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RECEIVE AND FILE (DRAFT) PLAN COMMISSION MEETING OF JULY 19, 2010 were noted as received and filed under the Consent Agenda by Omnibus Vote.

RECOMMENDATION TO AWARD CONTRACT FOR PREPARATION OF A GEOTECHNICAL REPORT FOR 87TH STREET The Board, under the Consent Agenda by Omnibus Vote, awarded the contract for preparation of a Geotechnical Report for 87th Street to Trotter & Associates in an amount not to exceed \$15,325.00.

RECOMMENDATION TO PURCHASE ROAD SALT FOR FY 10 - 11 The Board, under the Consent Agenda by Omnibus Vote, approved the Central Management Services Road Salt Renewal Alternative for the purchase of road salt at a price not to exceed \$74.82 per ton.

VOUCHERS in the amount of \$195,466.16 for the period ending July 26, 2010 and payroll in the amount of \$194,060.29 for the period ending July 10, 2010 were approved for payment under the Consent Agenda by Omnibus Vote.

ORDINANCE ANNEXING CERTAIN PROPERTY (SURROUNDED TERRITORY)

Village Administrator Steve Stricker stated that three property owners on North Frontage Road and 74th Street have been informed of the Village's intent to force annex their properties since they are surrounded by the Village. The properties include the following lots:

- three lots on 74th Street owned by Mr. John Damore,
- the 25 acre truck depot leased by Saia Truck Company owned by Burr Ridge resident Mr., Robert Rogulic, and
- the Compass Truck Sales property owned by Burr Ridge resident Mr. Roy Dobrasinovic.

Mr. Stricker explained the forced annexation is in keeping with the Village's long-standing growth management policy to annex surrounding property within the corporate limits of the Village. The annexation would also allow the Village to enforce the Village's Performance Standards for industrial properties.

Mr. Stricker continued that he, Community Development Director Doug Pollock, and Village Attorney Terry Barnicle met with the owners of the truck depot and truck sales company and their attorney Mr. Tim Dwyer, to discuss the annexation agreement. The property owners expressed concerns about their ability to continue to use their property in the same manner and wish to obtain zoning to do so. It was explained that there is no zoning for a truck depot and it may not be an appropriate use for the property as it is adjacent to property zoned as residential to the north and west. The truck depot would have to continue as a non-conforming use.

Mr. Stricker added that he has met with neighboring residents of Chestnut Hills and has also communicated with residents of 74th and 75th streets and has compiled a list of their concerns which



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was submitted to Mr. Dwyer. In addition, Mr. Dwyer has submitted concerns to Mr. Stricker and requested that the forced annexation be postponed in order to pursue the option of an annexation agreement. Mr. Stricker explained that there are advantages to the annexation agreement but only if the property owners are willing to address the residents' concerns and agree to end the use of this property as a truck depot.

Resident Steve Less of 7330 Chestnut Hills Drive expressed his desire for the Board to approve the Ordinance for the annexation. Mr. Less stated that without the annexation, the neighboring residents concerns cannot be addressed.

Attorney Timothy Dwyer stated that his client is concerned about the neighboring residents and the forced annexation would necessitate litigation, which is not the desired approach. Mr. Dwyer also added that due to the time constraints, a meeting could not be scheduled with the general manager of the facility to address property interests on both sides. Mr. Dwyer explained that Paul Hoss, the Assistant for the Development Department of DuPage County, measured noise for 8 days and determined that the Performance Standards for noise were not exceeded on the properties; however, the measurements were exceeded closer to Interstate 55. Mr. Dwyer added that the truck terminal has been in existence for over 5 decades adjacent to I-55 and its existence is a fundamental property right. Mr. Dwyer stated he believes that discussions can be held without the involvement of Saia but was informed by Mr. Stricker that Saia must be involved. Thus, Mr. Dwyer would like additional time to meet with the Village Staff and surrounding residents to address their concerns and develop feasible options to address those concerns.

Mayor Grasso clarified that the forced annexation was necessitated due to the past unwillingness of Saia to meet and discuss the concerns of the residents. It is desirable for the Village to come to an agreement with the property owners but the requirements of the Village must come first and must be addressed quickly. In addition, there must be a strong showing of good faith before the Board would consider an agreement that is in conformance with what the residents need.

In response to Mayor Grasso's question regarding the amount of additional time that would be needed to address the concerns of the Village, Mr. Dwyer stated at least six weeks would be needed to determine what the issues are and how they could be corrected.

Mayor Grasso added that the noise level, lights, and hours of operation are not acceptable and something must be changed with regard to Saia. In response, Mr. Dwyer stated that based upon the DuPage County study, they are not in violation of the Performance Standards. Mr. Dwyer indicated it would be beneficial to have a cooperative study conducted with the Village and his client to determine what the issues are as he is not aware of them, nor is his client. Mayor Grasso responded



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that Saia is aware of the issues. Mr. Dwyer responded he would like the Village to provide the information to him so that he can convey it to Saia.

Mr. Stricker added that Mr. Dwyer has the list of issues provided by the residents. Saia would need to be involved to address the issues as their operations are involved and would have to be changed. Mr. Stricker asked if Mr. Dwyer felt that the resident's issues can be addressed by Saia. In response, Mr. Dwyer indicated they could.

Mayor Grasso asked Mr. Dwyer what would be accomplished during the six week additional time period. Mr. Dwyer indicated he feels a meeting with the Village and residents is required.

Trustee DeClouette stated there are several points on the resident list that are straight forward and could be put in place during the six week time period. In response, Mr. Dwyer indicated his agreement and requested additional time.

Resident Mike Carroll of 150 Chestnut Hills Circle stated he has been a resident of Burr Ridge for 27 years and recalls when there was a race track in Burr Ridge. The noise from the race track ceased at 10:30 p.m. and with the trucks, the noise continues all the time.

Resident Steve Less of 7330 Chestnut Hills Drive stated he was part of the sound testing conducted by Paul Haas of DuPage County. Mr. Less stated the approach used for the testing was unscientific. Mr. Haas conducted the test using a hand-held device purchased at Radio Shack and the testing was conducted prior to when the trucking company began occupying the property at full operation. In response to Mr. Stricker's question regarding the time of day the testing was conducted, Mr. Less responded that it was done during the day and one test in the evening.

Mayor Grasso concluded that the landlord has requested six weeks of additional time and has publicly stated they would like to work with the Village and it would be beneficial to do so.

Mayor Grasso continued that the Village will be strong advocates for the residents and by the September 13th Board meeting, there must be an agreement that the Board and residents approve or the forced annexation will occur.

Resident Larry Ryan of 113 Chestnut Hills Circle and President of the Homeowners Association stated that his concern is that the property owner, Saia, and the Homeowners Association all need to be involved in the process.

Mayor Grasso asked Mr. Dwyer to provide a copy of the lease with Saia within ten days and the Village will sign any required confidentiality agreements.

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Motion was made by Trustee Wott and Seconded by Trustee Allen to continue the Consideration of the Ordinance to Annex Certain Property (Surrounded Territory) to the Regular Meeting of the Mayor and Board of Trustees of September 13, 2010

On voice vote the motion carried.

**CONSIDERATION OF PLAN COMMISSION RECOMMENDATION TO APPROVE
DRIVEWAY GATE VARIATION (V-02-2010: 11314 79TH STREET)** Community

Development Director Doug Pollock stated the Plan Commission has recommended approval of a request to permit a driveway gate on a property that does not meet the requirements for a permitted driveway gate. The requirements are 2 acres and 220 feet of street frontage. The subject property is located at 11314 79th Street and has 2 acres of land but only 164 feet of street frontage.

Mr. Pollock explained the Plan Commission discussed the intent of the driveway gate regulation which is to limit gates to estate properties only and to separate gates between properties. The Plan Commission concluded that the gate is consistent with the intent of the Zoning Ordinance due to the setback of 120 feet from 79th Street and it will not be as visible as one at the required 30 foot setback.

Mr. Pollock stated that the Plan Commission acknowledged that there was nothing unique about the property or any hardship to justify a variation. The Plan Commission did feel that based on the desire to allow driveway gates in these circumstances, a text amendment is recommended to amend the Zoning Ordinance to allow driveway gates with greater setbacks on narrow properties.

Mr. Pollock concluded by stating the Plan Commission recommends the Board approve the variation and authorize the Plan Commission to conduct a public hearing to consider amendments to permit similar properties to construct a driveway gate with similar setbacks.

In response to Trustee Wott's question regarding if the gate is decorative, Mr. Pollock responded it is decorative. In addition, Mr. Pollock discussed a rendering of the gate and stated it will contain turnaround capability and be approved by the fire department. Trustee Wott inquired if a fence would be attached and Mr. Pollock explained it would not as fences are not permitted in front yards. Mr. Pollock explained the purpose of the gate is security and to keep cars from entering the property which occurs frequently on large secluded properties.

Motion was made by Trustee Wott and seconded by Trustee DeClouette to accept the Plan Commission's recommendation granting a variation for a driveway gate at 11314 79th Street and to direct Staff to prepare an Ordinance.

On voice vote, the motion carried.

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Motion was made by Trustee Wott and seconded by Trustee Paveza to authorize the Plan Commission to hold a public hearing to consider a text amendment to the Zoning Ordinance for Driveway Gates.

On voice vote, the motion carried.

CONSIDERATION OF PLAN COMMISSION RECOMMENDATION TO HOLD A PUBLIC HEARING ON THE ISSUE OF SCREENING OF ROOF-TOP MOUNTED EQUIPMENT IN ALL NON-RESIDENTIAL AREAS

Community Development Director Doug Pollock stated that in response to direction from Mayor Grasso and Chairman Trzupek, the Plan Commission discussed the possibility of conducting a public hearing to consider amendments for roof-top screening for commercial buildings. Mr. Pollock explained that until 1997, no screening was required and at that time a comprehensive update to the Zoning Ordinance was done that added requirements for roof-top screening. Any new building must screen all roof-top equipment; existing unscreened equipment is "grandfathered" and can remain unscreened such that screening must only be provided when new equipment is added.

Mr. Pollock stated the Plan Commission expressed concern regarding the cost of adding rooftop screening and an example was given for a building with a unit approximately the size of a residential central air conditioner with the cost for screening of \$7,000. The Plan Commission would like to hold a public hearing and tie the screening to the degree of expansion to the building or implement it over time to encourage more screening of existing buildings.

Motion was made by Trustee DeClouette and seconded by Trustee Allen to authorize the Plan Commission to hold a public hearing to consider an amendment to the Zoning Ordinance regarding the screening of roof-top mounted equipment in all non-residential areas.

On voice vote, the motion carried.

COUNTY LINE ROAD/I-55 BRIDGE IMPROVEMENTS UPDATE

Community Development Director Doug Pollock explained that the Illinois Department of Transportation (IDOT) will be constructing deck replacement on the County Line Road I-55 Bridge. In 2009 when the Village learned of this IDOT was contacted and Staff asked for the Board for authorization to plan for the addition of aesthetic enhancements to the bridge. The enhancements were presented to IDOT and they have indicated their acceptance provided the Village pays the extra costs for the enhancements.

Mr. Pollock stated the Phase I Design Engineering is completed and Phase II will begin sometime in late summer or early fall and the enhancements are included in the plans. The project is slated for a

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September 2011 bid letting with construction beginning in the Spring of 2012, which is slightly later than originally discussed.

Mr. Pollock explained that the next step for the Village is to enter into a Letter of Intent with IDOT to establish cost and other responsibilities.

Village Administrator Steve Stricker added that nothing has been committed until the Letter of Intent is approved and the Village is currently only in discussions with IDOT.

In response to Mayor Grasso's question regarding the timing of the Letter of Intent, Mr. Pollock stated IDOT was not specific as to when they would provide the Letter of Intent but is estimating the fourth quarter of 2010.

Trustee DeClouette inquired about the expected date of feedback for the Illinois Transportation Enhancement Program (ITEP) grant for funding of the enhancements. In response, Mr. Pollock stated the application deadline is August 31, 2010 and a response is expected sometime after November.

Mr. Stricker added that there is a funding source for the Village portion of the enhancements, the Hotel / Motel Tax Fund. The Village has the endorsement from the Hotel owners for the funding.

Mr. Pollock added that if ITEP grant funding is obtained, it would cover 80% of the cost and the Village would cover 20%.

Trustee Wott inquired about the possibility of changing the design. Although she likes the "BR", she would prefer to have the name, Burr Ridge, as opposed to the oak leaves. In response, Mr. Stricker stated that may not be allowed but could be pursued.

DISCUSSION REGARDING POSSIBLE RESOLUTION INITIATING THE SUBMISSION OF A PUBLIC QUESTION TO SUPPORT REGIONAL ACTIONS TO ATTAIN LONG-TERM PENSION SUSTAINABILITY Village Administrator Steve Stricker explained that the Executive Board of the Metropolitan Mayors Caucus recently voted to encourage city councils and village / town boards to place a public safety pension reform advisory referendum on their ballots for the November general election. A model resolution has been provided and if the Board has interest in pursuing this, the referendum question must be approved by August 16th.

Mr. Stricker explained that the referendum question in the model resolution is similar to one that Barrington and Lake Forest used on their ballots this past spring with modifications to reflect action the General Assembly took this past spring for pension systems in the state except those affecting police, fire, and county sheriffs.

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Mr. Stricker stated that nothing has been done in relation to public safety pension reform and this referendum would indicate to state legislators that the residents of Burr Ridge have an interest and concern related to the cost of public safety pensions.

Mr. Stricker pointed out that the Pension Fairness Coalition has made some recommendations to modify the pension system by making it more efficient and viable. It appears that other communities in DuPage County will also be pursuing this.

Mayor Grasso added that communities in Cook County will also be pursuing the referendum. In addition, Mayor Grasso read the proposed referendum question:

Shall the Illinois General Assembly and Governor take immediate steps to implement meaningful public safety pension reform which will relieve the extensive burden on local taxpayers now that the General Assembly and Governor have reformed the pension systems for all other public employees?

Mr. Stricker added that the Pension Fairness Coalition would work with the Metropolitan Mayors Caucus to provide information and educational materials for the residents.

Motion was made by Trustee Wott and seconded by Trustee DeClouette to direct staff to prepare a Resolution Initiating the Submission of a Public Question to Support Regional Actions to Attain Long-Term Pension Sustainability for the August 9, 2010 Board Meeting.

On voice vote, the motion carried.

OTHER CONSIDERATIONS There were none at this time.

AUDIENCE There were none at this time.

REPORTS AND COMMUNICATIONS FROM VILLAGE OFFICIALS Trustee Paveza stated that all Board members have received the Assessment Report for the Burr Ridge Police Department prepared by the Commission of Accreditation for Law Enforcement Agencies. Trustee Paveza added that not many police departments are accredited and the information on the report should be placed on the Village Web Site. Police Chief John Madden explained that the Burr Ridge Police Department received re-accreditation recently and that he will be accepting the award on Saturday in Las Vegas. He stated that there are 340 mandatory and 60 non-mandatory standards that the Burr Ridge Police Department is in compliance with.

Trustee Wott pointed out that tours of the new Loyola Medical facility that will be opening in the spring of 2011 will be provided for the Board, Plan Commission, and Village employees.

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Village Administrator Steve Stricker stated that DuPage County will be resurfacing Madison Street from 55th Street to Plainfield Road during July and August. Also, the Police Facility is progressing and it has been determined that not as much undercutting will be required as originally thought and costs will be kept to an absolute minimum. The move in date and party has been pushed back and a final inspection of the facility is expected by the end of the week.

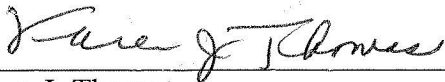
Mayor Grasso stated he has been contacted by Opus regarding a new leasing agent and they will be contacting the Plan Commission for temporary signage. In addition, Barbara's Books is planning to open in August. The Police Facility was delayed by three weeks due to the strike. Despite all of the rain that occurred recently, Burr Ridge did not suffer significant flooding problems as some communities did.

Mayor Grasso extended his thanks to the Independent Burr Ridge Willowbrook newspaper for its coverage of the Veterans Memorial Dedication.

ADJOURNMENT Motion was made by Trustee Wott and seconded by Trustee DeClouette that the Regular Meeting of July 26, 2010 be adjourned.

On voice vote the motion carried and the meeting was adjourned at 8:26 p.m.

PLEASE NOTE: Where there is no summary of discussion on any items in the minutes, this reflects that no discussion occurred other than the introduction of the item.



Karen J. Thomas
Village Clerk
Burr Ridge, Illinois

APPROVED BY the President and Board of Trustees this 9th day of August, 2010.



**AGENDA
REGULAR MEETING – MAYOR & BOARD OF TRUSTEES
VILLAGE OF BURR RIDGE**

**July 26, 2010
7:00 p.m.**

- 1. CALL TO ORDER/PLEDGE OF ALLEGIANCE – Will Duerr
Pleasantdale Elementary School**
- 2. ROLL CALL**
- 3. AUDIENCE**
- 4. CONSENT AGENDA – OMNIBUS VOTE**

All items listed with an asterisk (*) are considered routine by the Village Board and will be enacted by one motion. There will be no separate discussion of these items unless a Board member or citizen so request, in which event the item will be removed from the Consent Agenda.

5. MINUTES

- *A. Approval of Regular Meeting of July 12, 2010
- *B. Receive and File Draft Events Planning Committee Meeting of July 13, 2010
- *C. Receive and File Draft Veterans Memorial Committee Meeting of July 14, 2010
- *D. Receive and File Draft Plan Commission Meeting of July 19, 2010

6. ORDINANCES

- A. Consideration of Ordinance Annexing Certain Property (Surrounded Territory)

7. RESOLUTIONS

8. CONSIDERATIONS

- A. Consideration of Plan Commission Recommendation to Approve Driveway Gate Variation (V-02-2010: 11314 79th Street)
- B. Consideration of Plan Commission Recommendation to Hold a Public Hearing on the Issue of Screening of Roof-Top Mounted Equipment in All Non-Residential Areas
- C. County Line Road/I-55 Bridge Improvements Update
- D. Discussion Regarding Possible Resolution Initiating the Submission of a Public Question to Support Regional Actions to Attain Long-Term Pension Sustainability

EXHIBIT A

- *E. Approval of Recommendation to Award Contract for Preparation of a Geotechnical Report for 87th Street
- *F. Approval of Recommendation to Purchase Road Salt for FY 10-11
- *G. Approval of Vendor List
- H. Other Considerations – For Announcement, Deliberation and/or Discussion Only – No Official Action will be Taken

9. AUDIENCE

10. REPORTS AND COMMUNICATIONS FROM VILLAGE OFFICIALS

11. ADJOURNMENT